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Attorney Docket No.: 0492611-0383/MIT9015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Madry, et al. Examiner:
Serial No.: 09/809,456 Art Unit: 3739
Filing Date: March 15, 2001
Title: TISSUE ENGINEERING ENHANCED BY THE TRANSFER OF A GROWTH
FACTOR GENE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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PRELIMINARY AMENDMENT

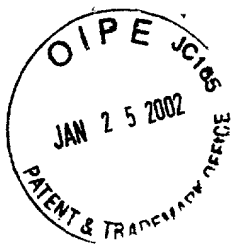
Amendment

In the specification, please delete, at page 8, line 7, the paragraph beginning "Figures 3A-M" and replace with the following:

Figures 3A, B, C, D, E, F, G, H, I, K, L, and M are horizontal sections of experimental and control constructs seeded with articular chondrocytes 28 days post-transfection with (A, D, G, K) *lacZ* expression vector pCMVSport β Gal, (B, E, H, L) the human IGF-I expression vector pCMVhIGF-I, or (C, F, I, M) non-transfected chondrocytes (stains: A-C: Safranin O, D-F: a monoclonal anti-type I collagen antibody, G-I: a polyclonal anti-type II collagen antibody, K-M: monoclonal aggrecan antibody).

In the figures, please delete Figure 3 and replace with new Figure 3 enclosed herewith.

No new matter is entered by any of these amendments. A marked-up version of the amendments to the specification and claims is included in the attachment captioned "Version with Markings to Show Changes Made for USSN 09/809,456".



Remarks

The amendments to the specification are meant to correctly identify the separate micrographs in Figure 3. There is no Figure 3J. The amendment to the drawing is made to add Figure 3M, which was inadvertently omitted from the application as filed. Figure 3M shows that aggrecan was present in a control tissue engineering construct seeded with non-transfected articular chondrocytes after 28 days. The subject matter of Figure 3M is supported by the specification as originally filed at page 22, lines 3-8, which describes the immunohistological evaluation of the constructs and page 8, lines 7-12, which indicate that Figure 3M is a micrograph of a construct stained with a monoclonal aggrecan antibody. A Petition to Include Color Figures was filed with the application. Three copies of the figure are attached, and a copy has been sent to the Official Draftsman.

In light of the foregoing Amendment and Remarks, Applicant respectfully submits that the present case is in condition for allowance. A Notice to that effect is respectfully requested.

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

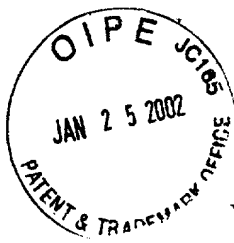
Respectfully submitted,

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Registration Number 45,698

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Dated: Oct 23, 2001

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231
on October 23, 2001



Version with Markings to Show Changes Made for USSN 09/809,456

Additions are underlined and deletions are enclosed in brackets.

In the specification

At page 8, line 7:

Figures [3A-M] 3A, B, C, D, E, F, G, H, I, K, L, and M are horizontal sections of experimental and control constructs seeded with articular chondrocytes 28 days post-transfection with (A, D, G, K) *lacZ* expression vector pCMVSPORT β Gal, (B, E, [G] H, L) the human IGF-I expression vector pCMVhIGF-I, or (C, [S] E, I, M) non-transfected chondrocytes (stains: A-C: Safranin O, D-F: a monoclonal anti-type I collagen antibody, G-I: a polyclonal anti-type II collagen antibody, K-M: monoclonal aggrecan antibody).

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